

**TOWN OF CORINTH
PLANNING BOARD
600 PALMER AVENUE
CORINTH, NEW YORK
LOUISE REED
CHAIRMAN**

July 19, 2006

Meeting called to order: 7:07 pm

Present:

Louise Reed, Edwin Eggleston, Althea Rivette, Alex Pellizzi, Joan Beckwith, Attorney Pozefsky, Doug Smead filled in as Code Enforcement Officer, Linda Hamm filled in as secretary for the minutes.

Absent: Fred Mann with excuse, Cheri Sullivan with excuse .

Public Present: Michael O' Conner representing Ralph Petruzzo & Petruzzo Products, Mary Baugh, Anthony Rituno, Leif Sandwick, Jack Valloze, Linda Puffer, Robert Kelley, Elenor Kelley, Charles Brown, Sharlene Collins, Louis Kirkpatrick, Todd Morrow, Dave Barrass, Arleen Springer, Sigrid Koch, Michael Kornacki, Russ & Yvonne Melville, Barbara & Charles Weatherwax, Tim Hanchett, Carroll Ogden, Ginny Ogden, Sara Alford, Edward Byrnes, Mitch Saunders, Diana Jordan, Ted Jordan, Jack Abbott, Susan Abbott, Gail McGuyer, Marcia Marcotte, Ralph DeCristafore, Gayle Swinburne, Jackie Burnham

Motion to approve minutes from June 15, 2006

*Edwin Eggleston
Seconded: Joan Beckwith
All in favor: Yes*

Member Joan Beckwith wanted to know if the Board had ever made a ruling on Mrs.. Everts from last month. Mr. Eggleston stated that the board

had not yet made any ruling on the Everts proposal.

New Business:

Chairwoman Reed states that there is a public hearing scheduled for Ralph Petruzzo this evening for a minor subdivision of his property at 603 Main Street. Mrs. Reed also said Mr. Petruzzo was unable to make the meeting and his Attorney Mike O'Connor will be answering questions on Mr. Petruzzos' behalf. Chairperson Reed said before the meeting started she would be setting ground rules for speaking. The board will listen to everyone that wants to speak however, she expects all present to act like ladies and gentlemen. There will be no derogatory remarks made, if there are, you will be escorted out of the building.

1.) Ralph Petruzzo -

Preliminary for minor subdivision of property located at 603 Main Street. Property is zoned industrial. Mr. Petruzzo's Attorney Attorney Michael O' Conner was representing him as Mr. Petruzzo is out of town .

Chairwoman Reed asks Linda to read the legal ad into the minutes.

Mr. O'Connor states to the board that he has the certified letters that were mailed out and returned and sketch maps showing the location of the proposed subdivision. Attorney O'Connor, states with due respect to the board, prior to his presentation, that Mr. Pellizzi recuse himself from discussions and deliberations and vote from this application. Mr. O'Connor presents to the board a letter that was written to DEC in reference to Petruzzo's other application that is before the Town.

Attorney Pozefsky said that in dealing with a conflict of interest question, if an applicant raises the question of a conflict of interest , actual or apparent , if it is actual the board member must step down and if it is an apparent one, it may be the discretion of the board member. as to whether or not to step down. Attorney Pozefsky states he believes that Attorney O'Connor is saying that this is an actual conflict. Attorney Pozefsky said he would like to review the letter presented by Attorney O'Connor and then go into

Executive session with the board pertaining to legal advice.

*** MOTION BY THE BOARD TO MOVE INTO EXECUTIVE SESSION-**

**JOAN BECKWITH
SECONDED -ALTHEA RIVETTE
ALL IN FAVOR- YES**

***MOTION TO RETURN FROM EXECUTIVE SESSION**

**JOAN BECKWITH
SECONDED- ALTHEA RIVETTE
ALL IN FAVOR- YES**

Attorney Pozefsky said that he would like to review a little about what was discussed while in the executive session. Attorney Pozefsky said that at the last meeting the issue was brought up about whether or not this subdivision was in any way connected to the proposed application that is under the moratorium and that upon discussions with the Town Attorney Bob Hafner and himself it was decided in their legal opinions that the moratorium does not apply to this subdivision because the subdivision does not apply to the use of the property, but is a request for a subdivision only and that is why this matter is proceeding.

Attorney Pozefsky said another question has arisen. The question of whether or not there needs to be a motion for a public hearing. Attorney Pozefsky said there is nothing in the code that requires the planning board to make a motion for a public hearing. He said it is up to the discretion of the planning board. This board has not done it for many years. Attorney Pozefsky said he has also called the Saratoga County Planning Department and they do not have any issues with the way that the Town of Corinth Planning Board currently does their public hearings.

Attorney Pozefsky said another question was whether or not there was a current application. It is his understanding that there is a current application, however some of the board members have not been able to see the application prior to tonight's meeting , therefore, it is under his advisement that the board keep the public hearing open until next month until the board members have had ample time to review the application and paperwork in the file.

Attorney Pozefsky also said he has received a letter from Barbara Weatherwax's Attorney Jeff Baker , and she has requested that he read it to the public. Attorney Pozefsky has suggested to the Planning board that this letter be filed along with the application for further review. Attorney Pozefsky said comments would be made to the validity of the legalities after having been properly reviewed.

Attorney Pozefsky said in regards to Alex Pellizzi, the issue pertaining to "conflict of interest", that he gave the planning board members his advice, however, the decision is ultimately up to Mr. Pellizzi. Attorney Pozefsky said Mr. Pellizzi has recused himself from the board for this particular application of Ralph Petruzzo's . He will rejoin the board after this application has been presented.

Chairperson Reed asks Mr. O'Connor to tell the board about the proposed subdivision.

Attorney O' Conner explained to the board and public that Mr. Petruzzo is looking to move a property line. Mr. Petruzzo has two parcels of property one which is 5 acres and the other being 77 acres. What Mr. Petruzzo would like to do is take one acre from the five acre parcel and add it to the 77 acre parcel . Attorney O'Connor said the property that he is talking about is located in the northerly west portion of the property. Attorney O'Connor said it is a property line adjustment. Board member Edwin Eggleston said it would need to be submitted as such. Attorney O'Connor said there is already an existing driveway and Mr. Petruzzo is not proposing to put something new in this location, only to change the lot line. Board member Rivette asked, if possibly it should be considered a major subdivision? Chairperson Reed said major subdivisions are when there are more than 4 lots to be divided and this is only a 2 lot subdivision.

Chairperson Reed opens the public hearing.

Barbara Weatherwax stated she is against this subdivision and the planning board taking any action on this subdivision. Due to the fact that Mr. Petruzzo's other proposed project is still on hold due to the moratorium that is in effect.

Attorney O'Connor said this subdivision has nothing to do with the other proposed project and that this is merely a boundary line adjustment. He said in order to use this property for the other project, Mr. Petruzzo would have to come in and do a separate application for it . Attorney O'Connor said Mr. Petruzzo is subdividing this property because it fits into his business plan. Attorney O'Connor said what Mr. Petruzzo is proposing to do here tonight will actually increase the buffer distance between this parcel and the other proposed facility. Attorney O'Connor said that Mr. Petruzzo is not asking permission to use the property for any particular use, Mr. Petruzzo is simply requesting to subdivide his property.

Eleanor Kelley said she was against this subdivision because of the dust that has been stirred up in the past and the residents of the community have no idea what is in the dust and they deserve better than this.

Sarah Alford from Greenfield who owns property in Corinth wants to know why Alex Pellizzi can not sit on the board tonight to discuss this subdivision. Attorney Pozefsky said Mr. Pellizzi had reviewed and discussed his options and has made his decision to recuse himself willingly and voluntarily. Sarah Alford said she is against this subdivision of property.

Herbert Syrop discussed the land use of Mr. Petruzzo's property. He said Mr. Petruzzo is applying to DEC for a land use variance because the building on this property is in violation of DEC requirements. Mr. Syrop feels Mr. Petruzzo may not have to tell the board what his plans are for this subdivision of property. Mr. Syrop feels that it is at least, the planning boards responsibility to ask Mr. Petruzzo what his intentions are, with explicit accurate information.

A member of the audience asked what the subdivision is for and stated that in the application it asks the same question and it was not answered.

Joan Beckwith said she felt it was just going to be a boundary line adjustment.

There was some discussion about the application and the dates that it was filed and where the application was.

A member of the audience still said that the question of why Mr. Petruzzo did not state why he was subdividing is still unanswered.

Edwin Eggleston said the planning board does not need to know why. Mr. Petruzzo just wants to rearrange the lines.

Mr. O'Connor said Mr. Petruzzo is asking for a subdivision of an Industrial lot for Industrial purposes. He understands that if there is a change in use, that Mr. Petruzzo would have to submit another application.

A member of the audience wanted to know if the letter to DEC that Mr. Pellizzi has recused himself from the meeting for , does it specifically talk about this subdivision?

Mr. O'Connor said it did not, however ,there was a footnote at the bottom of that letter strongly suggesting that Mr. Pellizzi would not be able to separate himself from the separate matters involved, coupled with the comments that Mr. Pellizzi made at the conceptual meeting.

A member of the audience said that from what he gathers the purpose of the subdivision is just to change the lines, it does not have anything to do with the use.

Althea Rivette said Alex Pellizzi has recused himself from the board and it is to the Planning Boards benefit that he did this.

Edwin Eggleston stated to the audience that if anyone came before the planning board to change their boundary line or to subdivide their property that the planning boards job is to help the public do that . At this point in the process the planning board does not care what an individual plans to do with their property. What an individual plans to do with their property requires more steps, either with the planning board or the zoning Board. If an applicant has no plans then there is no further involvement and the property is subdivided.

Mr. O'Connor said he will try to have a more definitive plan for use at the next meeting.

Linda Puffer said there is an old African proverb that asks “ How does one eat an elephant ?” and the answer is “one bite at a time.” She feels the concerns here are real and the Town is facing an irrevocable fork in the road. She feels that this is a tiny bite and the Town will not even notice it.

Mr. O'Connor said that the Boundary line adjustment puts the buildings on separate parcels.

Dianna Jordan said she is also against this subdivision too. She feels that Mr. Petruzzo has a plan and that it involves sludge.

Ginny Ogden said she thought that at the last meeting Louise Reed said Mr. Petruzzo was making the adjustment to enlarge one lot because of land needed to enlarge an existing building?

Chairperson Louise Reed said that was what she was told in the beginning. Louise Reed also said Mr. Petruzzo will have to follow the laws that the Town presently has and the new laws that will be enacted in the future.

Chairperson Reed said the Planning board is going to leave the public hearing open until next months meeting, that there would be no decision made tonight.

Mr. O'Connor requested that possibly there could be another public notice placed for a preliminary and final to take place at the same time. Althea Rivette said the board members have not yet had an opportunity to see Mr. Petruzzos' application.

**Board member Alex Pellizzi joins the board for remainder of meeting.*

2. Marcia Marcotte -

Is before the board for a boundary line adjustment. Mr. Barrass is speaking on Marcottes behalf. Discussion ensued and the boundary line adjustment is just correcting an error on the deed.

***MOTION TO APPROVE BOUNDARY LINE ADJUSTMENT- Beckwith
SECONDED- Eggleston
ALL IN FAVOR - Yes**

3. Charlene Collins-

Conceptual for minor subdivision at 496

Angel Road. Discussion ensued about the urgency of this situation with her present home being destroyed by this past winters storm. Louise Reed told Ms. Collins that she would need to get the proper maps for the board before they could review it any further. Attorney Pozefsky said there is a waiver section 112.14a for emergency situations. Attorney Pozefsky said the Code Enforcement Officer Doug Smead should call him and he would discuss the procedure with him. Attorney Pozefsky said there can be conditions placed on the certificate of occupancy so that the house that is destroyed can not be lived in.

4. Anthony Rituno-

Conceptual for minor subdivision of property located at 4495 Rte 9N in Porters Corners. Mr. Rituno wishes to subdivide his property into 2 lots. One parcel of land is to be 2 acres and the other parcel of land is to be approximately 4 acres. Mr. Rituno said the 4 acre lot has a home with a well and septic on it currently. Chairperson Reed said the Town of Greenfield would have to have notification of this proposed project and Mr. Rituno would also have to notify the State Department of Transportation for a curb cut permit because his residence is on 9N. Chairperson Reed also said Mr. Rituno would need maps that are to scale as per Town code.

Planning Board-

There was discussion about the planning board having a workshop prior to their meetings on the third Thursday of the month. It was decided that the workshop could start at 6:00pm after the Town Board meetings. Attorney Pozefsky said that it would work best if the board members had their questions for him prepared a week before the meeting. This would enable him to fully and accurately answer any questions that they had.

***MOTION TO ADJOURN-Althea**

SECONDED- Edwin

ALL IN FAVOR- Yes *Meeting Adjourned @ 9:43pm